

SIMMONS JANNACE DeLUCA, LLP

ATTORNEYS AT LAW

43 CORPORATE DRIVE

HAUPPAUGE, NEW YORK 11788-2048

(631) 873-4888

FAX (631) 873-4889

Counsel

Susan B. Jannace
Ross M. Chinitz^

Kevin P. Simmons
Steven D. Jannace
Sal F. DeLuca^
Allison C. Leibowitz
Michael C. Lamendola*
Ian E. Hannon

Irina Feferman*
Michael C. Hayes
Amanda M. Hill
Thomas J. Jannace
Matthew C. Maloney
Aric H. Peymann
Scott H. Wertheimer
Nicholas C. Zotto

*Also Admitted NJ
^Also Admitted CT

MEMO ENDORSED

February 14, 2024

Via ECF:

Magistrate Victoria Reznik
The Hon. Charles L. Brieant Jr.
Federal Building and
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Burgess, Irena v. Costco Wholesale
Corporation
Date of Loss: 11/22/17
Docket No.: 7:21-cv-05178-PED
SJD File No.: 537-9619

Dear Magistrate Judge Reznik:

This office represents Costco Wholesale Corporation ("Costco") in connection with the above-referenced matter. We are in receipt of the Court's Order dated February 6, 2024 which granted plaintiff's request to send two videos to the Court and further directing plaintiff to file a letter on the docket by February 19, 2024, confirming that she mailed the videos to defense counsel.

Pursuant to the Court's briefing schedule dated December 12, 2023, Costco filed its motion for summary judgment on January 5, 2024. On February 5, 2024, plaintiff filed her opposition to Costco's motion. Costco's reply is due to be filed on February 19, 2024. Due to the fact that plaintiff is not required to provide proof that she has mailed the videos to Costco until February 19, 2024, and Costco is not in possession of the videos at this time, it would be highly prejudicial to Costco to be required to submit its reply prior to receipt of the plaintiff's to be exchanged

Magistrate Victoria Reznik
The Hon. Charles L. Brieant Jr.
Federal Building and
United States Courthouse
February 14, 2024
Page 2

videos. As such, Costco is seeking an extension of time to submit its reply to March 11, 2024. Plaintiff has consented to Costco's application, but only to February 23, 2024, however, but in light of the above, a longer extension is being sought. No prior application for an extension has been made.

Thank you for the opportunity to address the Court in this manner.

Very truly yours,
/s/ Matthew Maloney
Matthew Maloney

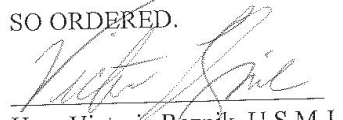
Defendant's request is **GRANTED**.

Defendant's reply deadline is now due 3/11/24.

The Court also notes that in addition to receiving two videos from Plaintiff, the Court received several photographs. Plaintiff shall serve all videos and photographs submitted to the Court on Defendant, and shall file proof of service by 2/19/24.

The Clerk of Court is directed to close out ECF Nos. 64 and 67.

SO ORDERED.


Hon. Victoria Reznik, U.S.M.J.

Dated: 2/15/24